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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,725	04/16/2001	Ellen O. Aeling	55788US003	7044

32692 7590 02/13/2003

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EXAMINER

WATKINS III, WILLIAM P

ART UNIT	PAPER NUMBER
1772	8

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/835,725	AELING ET AL.
Examiner	Art Unit	
William P. Watkins III	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 02 December 2002 .

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-28 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-28 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ . 6)  Other: \_\_\_\_\_ .

**DETAILED ACTION**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-7, 9-16, 19-25, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andriash (U.S. 5,939,168) in view of Ross (U.S. 5,830,529) or Detiker (U.S. 3,694,945) or Whitehead et al. (U.S. 6,079,844).

Andriash teaches a perforated film with an opaque back layer with the perforations being 10-68% of the area of the film with use of a back adhesive layer (15a) being an option (claim 1, col. 6, lines 10-35). A back light may be used (col. 3, lines 10-25). Whitehead et al. teaches the use of a reflective surface on the back of a backlit sign cover layer in the areas that are not transparent to light in order to increase luminance brightness (abstract). Detiker teaches the use of a reflective layer on the back of an opaque grid which forms passages through

which light exit through the front of a sign in order to maximize the amount of light that illuminates the sign (col. 3, lines 40-60). Ross teaches the use of a reflective surface on the opaque areas of perforated cover, the reflective layer being next to the illumination source (col. 46, lines 50-60). The instant invention claims a panel with 10 to 35% perforated area that reflects at least about 50% of the light incident on the back of the laminate. It would have been obvious to one of ordinary skill in the art to select 10 to 35% from the range given by Andriash and use a back adhesive layer as these are taught options in the reference. It further would have been obvious to one of ordinary skill in the art to make the adhesive or other back layer of Andriash that faces the backlit illumination source, reflective, in order to maximize the amount of light that is transmitted through the sign face surface because of the teachings of Whitehead et al. or Detiker or Ross.

3. Claims 8, 17-18, 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andriash (U.S. 5,939,168) as modified above as applied to claims 1-7, 9-16, 19-25, and 28 above, and further in view of Logan et al. (U.S. 5,954,423).

Andriash as modified above teaches the use of an inner reflective layer. Logan et al. teaches the use of a white layer as a reflective layer in a sign cavity (col. 7, lines 1-10). The instant invention claims the use of a white reflective layer. It would have been within the ordinary skill of the art to have used a white layer as the reflective layer of Andriash as modified above in order to have an effective reflective layer because of the teachings of Logan et al.

4. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

The examiner notes that applicant argues that the claimed 10% to 35% perforated surface is unobvious over the broader range taught by Andriash based on the examples in the specification. There does not appear to be a specific example or examples which demonstrates that this size range has unexpected results over the broader perforation range of Andriash when used with a back reflective layer. All three of the secondary references teach improved brightness when using a back reflective layer as opposed to a plain opaque layer. The

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showing of the examples would appear to be obvious in view of these teachings.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references show various backlit perforated structures.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 703-308-2420. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pylon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.



WILLIAM P. WATKINS III  
PRIMARY EXAMINER

WW-wow  
February 7, 2003